

Chapter 5.28**DANCE HALLS**

(230-1/22, 233-2/22, 414-6/38, 587-6/52, 1143-6/65, 2668-3/84)

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5.28.010 Permit required. No person shall maintain, conduct, manage or operate a public dance hall or public dance within the city of Huntington Beach without a permit issued pursuant to the provisions of this chapter. A public dance permit shall be valid only for the dance or dances enumerated therein and shall not be transferable. (230-1/22, 2668-3/84)

5.28.011 Application. Any person or entity desiring to obtain a permit to operate or conduct a public dance hall or public dance shall make application to the Chief of Police and pay the fee established by resolution of the City Council. Such application shall be on a form approved by the city and shall be filed at least thirty (30) days prior to the proposed dance. (2668-3/84)

5.28.012 Issuance of permit. Upon completion of investigation, the Chief of Police shall grant the permit if he finds that:

- (a) The required fee has been paid.
- (b) The application conforms in all respects to the provisions of this chapter.
- (c) The applicant has not knowingly made a material made a material misrepresentation in the application.

- (d) The applicant, if an individual, or any of the stockholders of the corporation, any officers or directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, has not been convicted in a court of competent jurisdiction of an offense involving conduct which requires registration under California Penal Code section 290, or of conduct violating Penal Code sections 314, 315, 316, 318, 647(a), 647(b) and 647(h), or convicted of an attempt to commit any of the abovementioned offenses or convicted in any state of any offense which if committed or attempted in this state, would have been punishable as one or more of the abovementioned offenses, or any crime involving dishonesty, fraud, deceit, or moral turpitude.
- (e) Applicant, or any of its owners, partners, officers or directors has not had a public dance hall or public dance permit or similar license or permit issued by this city denied or revoked within five (5) years prior to application.
- (f) The proposed dance hall or public dance would comply with all applicable laws, including but not limited to, health, zoning, fire and safety requirements and standards. Prior to granting a permit, the Chief shall obtain a certificate from the Community Development Director certifying that the proposed use is in compliance with the land use and zoning provisions of the applicable municipal and ordinance codes. In the event that land use and/or zoning approvals are required, they shall be obtained prior to issuance of a permit.
- (g) Applicant is at least eighteen (18) years of age.
- (h) The applicant possesses good moral character and is a proper person to conduct such a business. (2668-3/84)

5.28.013 Denial of permit. If the Chief of Police, following investigation of the applicant, finds that the applicant does not fulfill the requirements of this chapter, he shall notify the applicant in writing within thirty (30) days after receipt of the application. However, failure to notify the applicant shall not constitute a basis for granting the permit. The applicant shall have ten (10) days after notification of denial is mailed to appeal such denial to the City Administrator, pursuant to the provisions of this chapter. (2668-3/84)

5.28.020 Hours. No person maintaining or carrying on a public dance hall, or having charge or control thereof, or employed in and about the same, shall hold, conduct or carry on, or cause or permit to be held, conducted or carried on any dance or dancing in any such public dance hall and/or dancing pavilion in this city between the hours of 1 a.m. of any day and 7 a.m. of the same day except upon special permission in writing, signed by the Chief of Police. In determining whether to allow dances outside the hours specified herein, the Chief shall consider:

- (a) the health, safety, and welfare of persons attending;
- (b) the peace, quiet and safety of persons and uses of property in the surrounding area; and
- (c) whether the proposed hours are in conformance with applicable laws, ordinances, and land use permits.

(230-1/22, 414-6/38, 2668-3/84)

5.28.030 Beverage license--Minors on premises. No person conducting, maintaining or carrying on a business, or having charge or control thereof, which permits public dancing to be allowed on its premises shall permit to be admitted on such business premises any minor under the age of twenty-one years, if any alcoholic beverages are consumed, dispensed or sold on the premises, unless the minor is accompanied and under the care at all times of his parent or parents or legal guardian. (1143-6/65)

5.28.040 Beverage license--Minors entering. It is unlawful for any minor under the age of twenty-one years to enter or to be in or remain on any business premises of this city at any time when a public dance is in progress, or being held, conducted or carried on therein when any alcoholic beverages are consumed, dispensed or sold on the same premises, unless the minor is accompanied or under the care at all times in said dance hall, of his parent or parents, or legal guardian. (1143-6/65)

5.28.050 Proprietor allowing children inside. No person conducting, maintaining or carrying on a public dance hall, or having charge or control thereof, shall permit to be admitted to such public dance hall, or to dance therein, any minor under the age of fifteen years at any time while a dance or dancing is in progress or being held, conducted or carried on therein, unless while in said dance hall the minor is accompanied and under the care at all times of his parent or parents or legal guardian. (230-1/22, 233-2/22, 2668-3/84)

5.28.060 Children under fifteen. It is unlawful for any minor under the age of fifteen years to enter, or to be or remain in any public dance hall in this city at any time when a dance or dancing is in progress or being held, conducted or carried on therein, or to dance therein, unless while in the dance hall the minor is accompanied and under the care at all times of his parent or parents or guardian. Any person attending a dance shall furnish acceptable proof of identity and age upon request. (230-1/22, 233-2/22, 2668-3/84)

5.28.065 Curfew exception. While attending any dance permitted under this chapter and for one-half hour thereafter, with proof of attendance at such dance, a minor shall be excepted from the curfew provision contained in section 9.68.010 of this code. (2668-3/84)

5.28.070 Allowing disorderly persons. It is unlawful for any person maintaining, conducting or carrying on any public dance hall or public dance or having charge or control thereof, or for any person employed in and about the same, to allow or permit any intoxicated or disorderly person, as defined in California Penal Code subsections 647(a), (b), (c), (d), (f) and (ff), to enter, be or remain, or to dance at a public dance hall or dance, or to permit possession or consumption of any controlled substance, as defined in the Health and Safety Code, at any dance. (230-1/22, 1935-11/74, 2668-3/84)

5.28.080 Persons to maintain decorum. No person as principal, agent, or otherwise, carrying on, maintaining or conducting a public dance hall or public dance in this city shall permit any person or persons to indulge in any act which injures the person or property of another, or which disturbs or endangers the public peace or health, or which outrages public decency in such public dance hall or in any of the hallways leading thereto. (230-1/22, 587-6/52, 1935-11/74, 2668-3/84)

5.28.100 Lighting--Required. It is unlawful for any person conducting, maintaining or carrying on a public dance hall, or having charge or control thereof, or for any person employed in and about the same, to hold or conduct, or to cause or permit to be held or conducted, any dance or dancing in any dance hall after sunset of any day, unless such public dance hall be lighted or illuminated either by gas or electric light, or other means, in such manner and to such extent as is usual or customary for lighting or illuminating halls or rooms of like dimensions in the nighttime for public assemblies, before any person is admitted thereto and before any dance or dancing is commenced therein. (230-1/22)

5.28.110 Lighting--Minimum intensity. The intensity of such lighting or illumination shall at no time be less than one candle power at a plane three feet above the floor of such dance hall at all parts of such hall. (230-1/22)

5.28.120 Lighting--Maintained during dance. Such lighting or illumination shall be maintained thereafter throughout the entire time while such dance or dancing is in progress, without a diminution and without interruption, until such dance or dancing is concluded and until such hall is cleared and closed. (230-1/22)

5.28.130 Lighting--Tampering with, to reduce. No person shall shut or turn off the lights or lighting, or reduce the intensity thereof below the minimum in this chapter prescribed in any public dance hall at any time after sunset or any day while a dance or dancing is in progress or being conducted therein, or during any recess or other intermission in such dance or dancing. (230-1/22)

5.28.140 Permit--Revocation for violation. In the event that any person holding a permit to conduct a public dance hall or public dance shall violate or cause or permit to be violated any condition of such permit, or any provision of this chapter, or shall conduct such public dance hall or dance, or otherwise cause or permit the same to be conducted in an illegal, disorderly or improper manner, such permit may be revoked by the Chief of Police in the manner hereinafter provided, and such revocation shall be in addition to the other penalties provided for a violation of any of the provisions of this code. Said notice to revoke may be issued whether or not the dance has been held. (230-1/22, 2668-3/84)

5.28.150 Hearing--Notice service. Upon receipt of the notice of appeal the City Administrator, or his designee, shall set the matter for hearing. Notice of hearing shall be in writing and served at least five days prior to the date of such hearing upon the appellant. (230-1/22, 2668-3/84)

5.28.160 Emergency appeals. Where a dance has been scheduled within five (5) days after revocation, the permittee may waive time and, if feasible, have an immediate hearing before the City Administrator, or his designee. (230-1/22, 2668-3/84)

5.28.170 Notice--Personal service. Any notice shall be served by delivering the same personally to the holder of such permit, or to his or its manager or agent, or person in charge of the office or residence of permittee, listed in the application, if any of them can be found. (230-1/22, 2668-3/84)

5.28.180 Notice--Mail service. If the holder of such permit, or such manager, agent or person in charge of such public dance hall or dance, or the office of permittee cannot after due diligence be found in this city, and personal service of such notice cannot be made in this city, then a copy of such notice shall be mailed postage prepaid, addressed to the holder of such permit at his place of business or residence, if known, at least five days prior to the date of such hearing, and if not known, then a copy of such notice shall be posted in a conspicuous place on the premises where the dance is to be conducted. (230-1/22, 2668-3/84)

5.28.182 Appeal procedure. Any person aggrieved by denial of an application may file a written appeal from such denial within ten (10) days with the City Administrator. The notice of appeal shall specify the subject matter of the appeal, the date of application, the date of denial, the basis for appeal, and the name and address of appellant. (2668-3/84)

5.28.184 Hearing before City Administrator. A hearing shall be held within a reasonable time before the City Administrator or his designee. The appellant shall be notified of the hearing by notice sent by mail at least ten (10) days before the hearing to the appellant at the address set forth in the notice of appeal. The City Administrator may sustain, modify, or overrule the decision of the Chief of Police, based upon the criteria set forth in this chapter for issuance or denial of the permit sought. (2668-3/84)

5.28.186 Appeal. Any person aggrieved by a decision of the City Administrator may appeal to the City Council within ten (10) days; provided, however, that any decision revoking a permit shall suspend the permit pending appeal or until further order of the City Council, and no dance may be held under such revoked permit. (2668-3/84)

5.28.188 Violation--Denial of subsequent application. Any violation of this chapter and/or the terms and conditions of a permit granted hereunder shall constitute grounds for denial of any subsequent application for a permit for a dance to be held within one (1) year of such violation. (2668-3/84)

5.28.190 Violation--Penalty. Any person who violates any of the provisions of this chapter shall be deemed guilty of a MISDEMEANOR, and upon conviction thereof shall be punishable by a fine or by imprisonment or by both such fine and imprisonment, as provided in this code. (230-1/22)

5.28.200 Violation--Permit revocation. Upon such conviction, any permit which may have been granted to such person to conduct, maintain or carry on any public dance hall, or dance, shall be rendered void ipso facto, and shall be revoked as hereinbefore provided. (230-1/22, 2668-3/84)

5.28.210 Exemptions--Noncommercial dances. The provisions of this chapter shall not apply to any dance or ball given, held or conducted by any bona fide club, society or association organized or conducted for benevolent, charitable, dramatic or literary purposes, having an established membership of persons regularly elected or admitted thereto, and which shall hold meetings, other than such balls or dances, at regular stated intervals, when the proceeds arising from such ball or dance shall be intended to be used and be used for the promotion of the purposes of such club, society or association, or to any private dance or ball, held or conducted for social purposes only and not for profit, to which persons are admitted or at which persons are allowed to dance without payment of a fee or charge therefor, except such as may be required for the purpose of defraying the actual expenses of holding or conducting such dance or ball. (230-1/22)

5.28.220 Application to general public dance. The provisions of this chapter shall apply to any dance or ball, other than a dance or ball of the character hereinbefore in section 5.28.210 referred to, when invitations or tickets for admission to such dance or ball are sold or offered for sale publicly, or to the public generally. (230-1/22)